

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

Leslie Lorey Davis,	)	
	)	Civil Action No.: 2:18-cv-00358-JMC
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
Melissa Van Duser and	)	
Dr. Joseph Rapotto,	)	
	)	
	)	
Defendants.	)	
<hr style="width: 40%; margin-left: 0;"/>	)	

This matter is before the court for review of Plaintiff Leslie Lorey Davis’s action pursuant to 42 U.S.C. § 1983. (ECF No. 1.) Plaintiff, proceeding *pro se* and *in forma pauperis*, filed the action alleging he was denied proper medical care in violation of 42 U.S.C. § 1983. (ECF No. 1 at 4.) Plaintiff claims he sought treatment for dry skin and pain in his arm and that Defendants failed to provide him with adequate medical care. (*Id.* at 5-6.) The Magistrate Judge’s Report and Recommendation recommends that the court should grant Defendants’ Motions for Summary Judgment (ECF Nos. 28, 29) because there is insufficient evidence that Defendants were deliberately indifferent in Plaintiff’s medical treatment. (ECF No. 42 at 7.) The Report and Recommendation, filed on December 10, 2018, sets forth the relevant facts, which this court incorporates herein without a recitation. (*Id.* at 1-2.)

The Magistrate Judge’s Report and Recommendation is made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina. The Magistrate Judge makes only a recommendation to this court, and the recommendation has no presumptive weight. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The responsibility to make a final determination remains with this court. *Id.* at 271. As such, the court is charged with making *de novo*

determinations of those portions of the Report and Recommendation to which specific objections are made. *See* 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 78(b)(3). The court may accept, reject, or modify, in whole or in part, the Magistrate Judge’s recommendation or recommit the matter with instructions. 28 U.S.C. § 636(b)(1). Additionally, neither party filed an objection to the Report and Recommendation within the prescribed time limits.<sup>1</sup> *See* 28 U.S.C. § 636(b)(1).

In the absence of objections to the Magistrate Judge’s Report and Recommendation, this court is not required to provide an explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Furthermore, failure to file specific written objections to the Report and Recommendation results in a party’s waiver of the right to appeal from the judgment of the District Court based upon such recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

After a thorough review of the Report and Recommendation and the record in this case, the court **ACCEPTS** the Magistrate Judge’s Report and Recommendation (ECF No. 42) and incorporates it herein. Therefore, the court summarily **GRANTS** Defendants’ Motions for Summary Judgment (ECF Nos. 28, 29).

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<sup>1</sup> Because no notice was given to Plaintiff, who is proceeding *pro se* and *in forma pauperis*, the court cannot confirm Plaintiff was aware of his right to file objections to the Report and Recommendation. The court will entertain any subsequent objections to the Report by Plaintiff as an appropriately-filed motion for reconsideration of this Order. *See Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 1975).

**IT IS SO ORDERED.**

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

January 18, 2019  
Columbia, South Carolina